

### **REMARKS**

This communication is a full and timely response to the Office Action dated November 25, 2008. Claims 1-2, 5-11, and 13-24 are pending, and claims 1-4, 8-11, 13, and 15-21 have been rejected. By this communication, claims 1-2, 5-11, and 13-21 are amended, and claims 3-4 and 12 are cancelled. Claims 22-24 are new claims.

#### **Allowable Subject Matter**

Applicants acknowledge with appreciation the indication of allowable subject matter in claims 5-7, 12, and 14. Claims 5-7 are rewritten in independent form. Independent claims 11, 13, and 15-21 have been amended in a manner believed to capture allowable subject matter, making these independent claims allowable, for at least the reasons given below.

#### **Rejection Under 35 U.S.C. §112**

Claims 1-19 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, in the Office Action, the Office has listed the claim language that is allegedly vague and indefinite. Applicants have amended claims 1-19 to further clarify the subject matter of the afore-mentioned claims. Applicants also point out that the terminology "operating specifications" as recited in the claims is further defined in the specification on page 44, for example (See *also* Figure 8(b) of Applicants' disclosure).

Accordingly, Applicants respectfully request that this rejection be withdrawn.

**Rejection Under 35 U.S.C. §103**

Claims 1-4, 8-11, 13, and 15-21 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Kimura et al.* (U.S. Patent No. 5,739,650, hereinafter *Kimura*).

*Kimura* is directed to a method for controlling a motor. *Kimura* discloses a brushless DC motor system in which a RMS value of the input current of a voltage-fed inverter is detected by a current transformer and a RMS value detector circuit. A rotation speed of the brushless DC motor is detected based on the cycle of the position signal outputted by a position sensor circuit. Then, in response to the RMS value of the input current and the rotation speed, the phase of the inverter output voltage relative to the phase of the motor counter-electromotive voltage is set to a phase at which the motor efficiency comes generally to a peak, and a switching command to the voltage-fed inverter is generated. When the applied voltage waveform is controlled only by the voltage-fed inverter in response to the rotor-position detection signal, the motor attains high-efficiency operation without involving any increase in cost and regardless of load conditions. See *Kimura*, Abstract.

As discussed above, *Kimura* discloses a method for controlling the brushless DC motor by ***detecting the rotation speed and rotor position*** of the brushless DC motor. Accordingly, *Kimura* does not disclose at least "a constant identification step in which an inverter having an automatic tuning function for identifying a motor constant of a motor or a program of said inverter is ***used to identify a motor constant and a parameter for starting said motor***, said constant identification step including forcibly applying a voltage to said motor for activation and rotation, and said motor constant including a phase resistance component, an inductance

component, and a counter-electromotive voltage constant of said motor; and an inverter control step in which ***said inverter or said program uses said motor constant obtained in said constant identification step to operate said motor*** at an efficient operating point of said motor" as recited in amended claim 1.

Claims 2 and 8-10, dependent from claim 1, are patentable for at least the same reasons as claim 1, as well as for their own merits. Applicants incorporate the discussion above and submit that independent claims 11, 13, and 15-21 have been amended to incorporate allowable subject matter of either claim 5, 12, or 14. Claims 3 and 4 are canceled.

Applicants, therefore, respectfully request that the rejection to claims 1-4, 8-11, 13, and 15-21 under 35 U.S.C. § 103(a) be withdrawn.

**Conclusion**

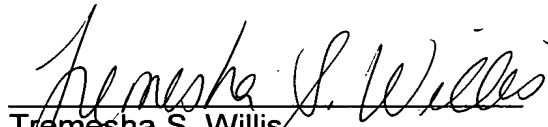
Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-2, 5-11, and 13-24 are allowable, and that this application is in condition for allowance. Accordingly, Applicants request a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicants request that the undersigned attorney be contacted at the number below.

Respectfully submitted,

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